

Notice of Allowability

Application No.

10/698,618

Examiner

Allison M. Ford

Applicant(s)

GESTRELIUS ET AL.

Art Unit

1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephonic interview of 6-11-07.
2. ☒ The allowed claim(s) is/are 50-53, 56, 59 and 61-72.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/258,613.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Therese Hendricks on 11 June 2007.

The application has been amended as follows:

Claims:

Please re-write claim 51 as follows:

-- The method according to claim 50, wherein the active enamel substance is selected from the group consisting of enamelins, amelogenins, non-amelogenins, proline-rich non-amelogenins, amelins, tuftelins, and mixtures thereof. --

Please re-write claim 52 as follows:

-- The method according to claim 50, wherein the active enamel substance has a molecular weight of at the most about 120 kDa, as determined by SDS Page electrophoresis. --

Please re-write claim 53 as follows:

-- The method according to claim 50, wherein the amount of active enamel substance applied is an amount of total protein per cm² corresponding to from about 0.01 mg/cm² to about 20 mg/cm². --

Please re-write claim 65 as follows:

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-- The method according to claim 50, wherein the active enamel substance comprises a peptide comprising at least one sequence element selected from the group consisting of Asp-Gly-Glu-Ala (residues 370-373 of SEQ ID NO.: 1), Val-Thr-Lys-Gly (residues 277-280 of SEQ ID NO.: 1), Glu-Lys-Gly-Glu (residues 282-285 of SEQ ID NO.: 1), and Asp-Lys-Gly-Glu (residues 298-301 of SEQ ID NO.: 1). --

Please re-write claim 72 as follows:

-- The method according to claim 53, wherein the amount of active enamel substance is from about 0.1 mg/cm² to about 15 mg/cm². --

Specification:

Please replace the title with the following:

-- MATRIX PROTEIN COMPOSITION FOR TREATING INFLAMMATION--

Please replace paragraph [0107] of the PGPubs with the following:

-- [0107] Within the scope of the present invention are also peptides as described in WO 97/02730, i.e. peptides which comprise at least one sequence element selected from the group consisting of the tetrapeptides DGEA (Asp-Gly-Glu-Ala) (residues 370-373 of SEQ ID NO.: 1), VTKG (Val-Thr-Lys-Gly) (residues 277-280 of SEQ ID NO.: 1), EKGE (Glu-Lys-Gly-Glu) (residues 282-285 of SEQ ID NO.: 1), and DKGE (Asp-Lys-Gly-Glu) (residues 298-301 of SEQ ID NO.: 1) and which further comprise an amino acid sequence from which a consecutive string of 20 amino acids is identical to a degree of at least 80% with a string of amino acids having the same length selected from the group consisting of the amino acid sequence shown in SEQ ID NO:1 and a sequence consisting of amino acids 1 to 103 of SEQ ID NO:1 and amino acids 6 to 324 of SEQ ID NO:2. --

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Oath/Declaration:

Applicant is now required to submit a substitute declaration or oath to correct the following deficiencies:

The Declaration received 30 October 2003 fails to appropriately set forth the claims for priority to prior-filed US applications, specifically priority under 35 USC 121 as a divisional of 10/156,300 (now US Patent 6,720,009), which is a divisional of 09/258,613 (now US Patent 6,503,539). As set forth in all previous office actions, Appln 09/258,613 DOES NOT claim priority to provisional application 60/081,551.

The substitute oath or declaration must be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability" (PTO-37). Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136. Failure to timely file the substitute declaration (or oath) will result in **ABANDONMENT** of the application. The transmittal letter accompanying the declaration (or oath) should indicate the date of the "Notice of Allowance" (PTOL-85) and the application number in the upper right hand corner.

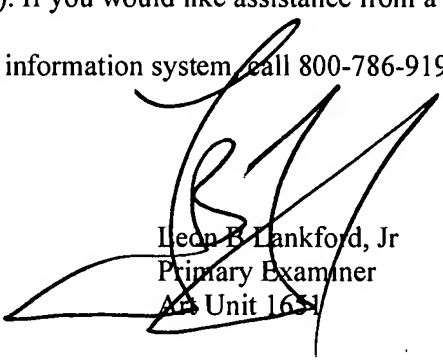
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allison M. Ford whose telephone number is 571-272-2936. The examiner can normally be reached on 7:30-5 M-Th, alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Leon B. Lankford, Jr.
Primary Examiner
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